

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**January 31, 2007**

**DIVISION ONE**

B188023      Simi-Moorpark Freeway Properties, Ltd., et al. (Not for Publication)  
                 v.  
                 Cypress Land Company et al.

The order is affirmed.

Mallano, J., Acting P.J.

We concur:    Rothschild, J.  
                 Jackson, J. (Assigned)

B186385      Simi-Moorpark Freeway Properties, Ltd., et al. (Not for Publication)  
                 v.  
                 Cypress Land Company et al.

The judgment is affirmed.

Mallano, Acting P.J.

We concur:    Rothschild, J.  
                 Jackson, J. (Assigned)

## DIVISION ONE (Continued)

B187064 People (Not for Publication)

V.  
Jackson

The appeal is dismissed.

Rothschild, J.

We concur:   Mallano, Acting P.J.  
                      Vogel (Miriam A.), J.

B187483 People (Not for Publication)

V.  
Albert T.

The November 16, 2005 order placing Albert is reversed. In all other respects the judgment (the September 26, 2005 order continuing wardship) is affirmed.

Rothschild, J.

We concur: Vogel (Miriam A.), Acting P.J.  
Jackson, J. (Assigned)

B179540      Humphrey      (Not for Publication)

V.  
Home Depot U.S.A., Inc.

The judgment is affirmed. Respondent(s) to recover costs.

Rothschild, J.

We concur:   Mallano, Acting P.J.  
                      Vogel (Miriam A.), J.

## DIVISION ONE (Continued)

B194422 Theresa G. (Not for Publication)  
v.  
Superior Court, Los Angeles County (DCFS, rpi)

The Court:

THEREFORE, let a peremptory writ issue, commanding respondent superior court to vacate its order of September 12, 2006 denying Patricia V.'s application for de facto parent status, and to issue a new and different order granting same, in Los Angeles Superior Court case No.CK57657, entitled In the Matter of Alyssa V., a minor. The stays are vacated.

Spencer, P.J.      Mallano, J.      Rothschild, J.

B183252 People (Not for Publication)  
v.  
Antonio Torres, Jaun P. Ortiz, & German Y. Coreas

As to Ortiz, the judgment is affirmed in its entirety. As to Torres and Coreas, their convictions on count 7 are reversed, their sentences are vacated, and the case is remanded for a new trial on that count only and resentencing. In all other respects, the judgment as to Torres and Coreas is affirmed.

Rothschild, J.

I concur: Jackson, J. (Assigned)  
I concur and dissent: Mallano, Acting P.J. (Opinion)

DIVISION ONE (Continued)

B181036 Valerie Schultz (Not for Publication)

v.  
Mandfred Schultz

The judgment is affirmed.

Jackson, J. (Assigned)

We concur: Mallano, Acting P.J.  
Rothschild, J.

B185971 General Facilities, Inc. (Not for Publication)

v.  
Claude E. Atkins Enterprises, Inc.

The order is affirmed.

Mallano, Acting P.J.

I concur: Jackson, J. (Assigned)

I concur in the judgment only: Vogel (Miriam A.), J.

B192184 People (Not for Publication)

v.  
Gerald Eugene Pierce

We have examined the entire record and are satisfied that Pierce's attorney has fully complied with her responsibilities and that no arguable issues exist. Because Pierce failed to obtain a certificate for probable cause, the appeal is dismissed.

Rothschild, J.

We concur: Vogel (Miriam A.), Acting P.J.  
Jackson, J. (Assigned)

DIVISION THREE

B190116      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
William C.

The order terminating parental rights is affirmed.

Klein, P.J.

We concur:    Kitching, J.  
                 Aldrich, J.

DIVISION FIVE

B191387      People      (Not for Publication)  
v.  
Darryl Coleman

The appeal is dismissed.

Turner, P.J.

We concur:    Armstrong, J.  
                 Kriegler, J.

B193793      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Christina D.

The judgment is reversed. Remittitur to issue forthwith.

Turner, P.J.

We concur:    Armstrong, J.  
                 Kriegler, J.

DIVISION FIVE (Continued)

B185685      Ronald Stock                      (Not for Publication)

v.

Law Offices of Herbert Hafif et al

The judgment is affirmed. Respondent(s) to recover costs.

Turner, P.J.

We concur:    Armstrong, J.  
                         Kriegler, J.

B189178      Teresa Smith                      (Not for Publication)

v.

Wanda Smith

The judgment is affirmed. Respondent(s) to recover costs.

Turner, P.J.

We concur:    Mosk, J.  
                         Kriegler, J.

B186948      Scott Carnahan                      (Not for Publication)

v.

City of Santa Monica

The judgment is affirmed. Respondent(s) to recover costs.

Armstrong, J.

We concur:    Turner, P.J.  
                         Mosk, J.

## DIVISION FIVE (Continued)

B191752 People (Not for Publication)

V.

Oscar Carbajal

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.

Mosk, J.

B189283      Alex Pladott      (Not for Publication)

V.

Josef Blankstein et al

The judgment is reversed insofar as it sustains the demurrer to the causes of action for breach of oral contract and specific performance and affirmed insofar as the order sustains the demurrer to the cause of action for promissory estoppel and the cause of action for unjust enrichment. The parties are to bear their own costs on appeal.

Armstrong, J.

We concur: Turner, P.J.

Kriegler, J.

## DIVISION EIGHT

Court convened at 9:06 a.m.

Present: Cooper, P.J., Rubin, J., Boland, J., Flier, J. and Connie Hon, Deputy Clerk.

Each of the following:

B183508 People v. Verdin &amp; Pavizi

B183655 People v. Ralph M.

B184851 People v. Talaferro

DIVISION EIGHT (Continued)

Each of the following (continued):

B185079	People v. Lee B.
B185353	People v. Arroyo
B187611	People v. Rubio, Jr.
B188946	People v. Heims
B189045	People v. Coulson
B190792	People v. Ruben F.
B191174	DCFS v. Jaime G.
B191657	DCFS v. Erik V. & Andrea M.

Argument waived, cause submitted.

Each of the following:

B178918	McNairy et al. v. C.K. Realty et al.
B183943	Mansour v. Crystal Park Hotel et al.

Matter is continued to February 28, 2007, at 9:00 a.m.

Each of the following:

B188463	DCFS v. Daniel E. & Kathleen V.
B191004	DCFS v. Daniel E.
B193691	Daniel E. v. S.C.L.A. (DCFS)

Matter is continued to March 28, 2007, at 9:00 a.m.

B180566	Morgenstern, v. EntPro, Inc., et al.,
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Merits:

Argued by Richard Knickerbocker for appellant and by E. Thomas Moroney for respondents. Cause submitted.



DIVISION EIGHT (Continued)

B186400      Franciscan Hill Homeowners Association,  
                         v.  
                         State Farm Fire and Casualty Company,

Merits:

Argued by Kyle Kveton for appellant and by Richard Moore for respondent. Cause submitted.

B186417      Kollerbohm,  
                         v.  
                         County of Los Angeles et al.,

Merits:

Argued by Kenneth P. Scholtz for appellants and by Joseph R. Zamora for respondent. Cause submitted.

B182131      Mathis  
                         v.  
                         California State Unemployment Insurance Appeals Board,

Merits:

Argued by Abby McClelland for appellant and by John Venegas, Deputy Attorney General for respondent. Cause submitted.

Court recessed at 10:04 a.m.

Court reconvened at 10:31 a.m.

Present: Cooper, P.J., Rubin, J., Boland, J., Flier, J. and Connie Hon, Deputy Clerk.

B187489      Lockett,  
                         v.  
                         Keylee,

Merits:

Argued by John Lockett, appellant in propria persona and by Carl Pentis for respondent. Cause submitted.

DIVISION EIGHT (Continued)

Flier, J. left the bench at 11:03 a.m.

B181465      Amusement Industry Inc., et al.,  
                         v.  
                         Antin et al.,

Merits:

Argued by Lisa Perrochet for appellants and by Michael B. Magloff for respondents. Respondent Michael Antin appears in propria persona. Cause submitted.

B183209      Chase,  
                         v.  
                         County of Los Angeles;  
                         Los Angeles County Employees Retirement et al.,

Merits:

Argued by Warren Chase, appellant in propria persona and by Jodi Lumsdaine and Richard R. Terzian for respondents. Cause submitted.

Court recessed at 12:05 p.m.

Court reconvened at 1:03 p.m.

Present: Cooper, P.J., Rubin, J., Boland, J., Flier, J. and Connie Hon, Deputy Clerk.

B185240      People  
                         v.  
                         Aguirre and Gleason

Merits:

Argued by Tracy Dressner for appellant, Aguirre, and by Gary A. Lieberman, Deputy Attorney General for respondent. Appellant Gleason waived oral argument. Cause submitted.

DIVISION EIGHT (Continued)

B189536     In re Cesar C. et al.,  
              Los Angeles County, D.C.S.  
              v.  
              Manuel J.,

Merits:  
Argued by Tyna Orren for appellant and by Judith Luby, Deputy County  
Counsel for respondent. Cause submitted.

B191802     Kinakosian et al.,  
              v.  
              Corey,

Merits:  
Argued by Raluca Rohan for appellant and by Melany Friedlander for  
respondents. Cause submitted.

B182571     Business To Business Markets, Inc.,  
              v.  
              Hoyla Insurance Group, Inc.,

Merits:  
Argued by Stuart B. Esner for appellant and by Robin McConnell for  
respondent. Cause submitted.

B177885     People  
              v.  
              Haqq,

Merits:  
Argued by Donald R. Tickle for appellant and by Beverly K. Falk, Deputy  
Attorney General for respondent. Cause submitted.

Flier, J. left the bench at 2:50 p.m.

## DIVISION EIGHT (Continued)

B185362      People  
v.  
Pickens & Brandon,

Merits:

Argued by Susan K. Keiser and Maxine Weksler for appellants and by Gary Lieberman, Deputy Attorney General for respondent. Cause submitted.

Court adjourned.

B187579 People (Not for Publication)  
v.  
Banda

The judgment is affirmed. The trial court is directed to prepare and transmit to the appropriate authorities a corrected abstract of judgment, showing Penal Code section 667, subdivision (a)(1) as authority for the five-year sentence enhancement, rather than section 667.5, subdivision (b).

Cooper, P.J.

We concur: Rubin, J.  
Boland, J.

B184851 People (Not for Publication)  
v.  
Taliaferro

The judgment is affirmed.

Rubin, J.

We concur: Cooper, P.J.  
Flier, J.

DIVISION EIGHT (Continued)

B191657      Los Angeles County, D.C.S.                      (Not for Publication)  
v.  
Andrea M. et al.,  
In re Stephanie M. et al., Persons Coming Under the Juvenile Court Law.

The order of the juvenile court terminating parental rights is reversed and the matter is remanded to the juvenile court with directions that the Department provide the pertinent tribe(s) with proper notice under the ICWA of the pending proceedings, and that the Department file proof of receipt of such notice by such tribe(s), along with a copy of the notice. If, after notice is properly given, no tribe respondent indicating that the children are Indian children within the meaning of the ICWA, the juvenile court shall then reinstate the order terminating parental rights. If the tribe determines that the children are Indian children, the juvenile court shall conduct the disposition hearing applying the provisions of the ICWA, Welfare and Institutions Code section 360.6 and rule 1439 of the California Rules of Court.

Cooper, P.J.

We concur: Rubin, J.  
Flier, J.

B185353      People    (Not for Publication)  
v.  
Arroyo

The clerk of the superior court is directed to amend the abstract of judgment at state in line 6.a. that Arroyo received a 15 years to life sentence on count 2, and delete the statement in line 6.c. that he received a sentence of 7 years to life on that count. Online 11, the abstract should state that pursuant to Penal Code section 186.22, subdivision (b)(5), Arroyo is not eligible for parole until he has served a sentence of 15 years on count 2. The clerk shall then deliver a copy of the corrected abstract to the Department of Corrections. The judgment as so modified is affirmed.

Rubin, Acting P.J.

We concur: Boland, J.  
Flier, J.

## DIVISION EIGHT (Continued)

B182880 Christoff  
v.  
Nestle USA, Inc.,

Filed order vacating submission order of October 26, 2006. Additional briefs required.

B180136      Alzugaray      (Not for Publication)  
v.  
Kiesel, Boucher & Larson et al.,

The judgment is affirmed. Respondents are awarded costs on appeal.

Cooper, P.J.

We concur: Rubin, J.  
Flier, J.